



February 13, 2009

SENATE BILL No. 181

DIGEST OF SB 181 (Updated February 11, 2009 2:22 pm - DI 106)

Citations Affected: IC 35-42; noncode.

Synopsis: Child seduction. Expands the group of persons who commit child seduction by adding persons employed by a charter school and persons otherwise affiliated with a school corporation, charter school, or nonpublic school, if the person affiliated with the school: (1) has a position of trust with respect to a child who attends the school; (2) is engaged in the provision of care or supervision to a child who attends the school; and is at least four years older than the child. Defines "military recruiter" to mean a member of the armed forces whose primary job is recruiting individuals to enlist with the armed forces, and provides that a military recruiter commits child seduction if a military recruiter who is attempting to enlist a child at least 16 years old but less than 18 years: (1) engages in sexual intercourse with the child; (2) engages in deviate sexual conduct with the child; or (3) fondles the child.

Effective: July 1, 2009.

Lubbers, Delph, Broden, Steele

January 7, 2009, read first time and referred to Committee on Judiciary.
February 12, 2009, amended, reported favorably — Do Pass.

C
o
p
y

SB 181—LS 6752/DI 106+



February 13, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 181

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-42-4-7, AS AMENDED BY P.L.1-2005,
2 SECTION 228, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) As used in this section,
4 "adoptive parent" has the meaning set forth in IC 31-9-2-6.

5 (b) As used in this section, "adoptive grandparent" means the parent
6 of an adoptive parent.

7 **(c) As used in this section, "charter school" has the meaning set**
8 **forth in IC 20-18-2-2.5.**

9 ~~(c)~~ (d) As used in this section, "child care worker" means a person
10 who:

11 (1) provides care, supervision, or instruction to a child within the
12 scope of the person's employment in a shelter care facility; ~~or~~

13 (2) is employed by a:

14 (A) school corporation;

15 **(B) charter school; or**

16 ~~(B)~~ (C) nonpublic school;

17 attended by a child who is the victim of a crime under this

C
o
p
y

SB 181—LS 6752/DI 106+



chapter; or

(3) is:

(A) affiliated with a:

(i) school corporation;

(ii) charter school; or

(iii) nonpublic school;

attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated;

(B) in a position of trust in relation to a child who attends the school;

(C) engaged in the provision of care or supervision to a child who attends the school; and

(D) at least four (4) years older than the child who is the victim of a crime under this chapter.

The term does not include a student who attends the school.

~~(d)~~ (e) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.

(f) As used in this section, "military recruiter" means a member of the armed forces of the United States (as defined in IC 20-33-10-2) or the Indiana National Guard whose primary job function, classification, or specialty is recruiting individuals to enlist with the armed forces of the United States or the Indiana National Guard.

~~(e)~~ (g) As used in this section, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

~~(f)~~ (h) As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16.

~~(g)~~ (i) As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

~~(h)~~ (j) If a person who: ~~is:~~

(1) is at least eighteen (18) years of age; and

(2) is:

(A) the:

~~(A)~~ (i) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or

~~(B)~~ (ii) child care worker for; or

(B) a military recruiter who is attempting to enlist;

a child at least sixteen (16) years of age but less than eighteen (18) years of age;

engages with the child in sexual intercourse, deviate sexual conduct (as

C
o
p
y



1 defined in IC 35-41-1-9), or any fondling or touching with the intent to
2 arouse or satisfy the sexual desires of either the child or the adult, the
3 person commits child seduction, a Class D felony.

4 SECTION 2. [EFFECTIVE JULY 1, 2009] **IC 35-42-4-7, as**
5 **amended by this act, applies only to crimes committed after June**
6 **30, 2009.**

C
o
p
y



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 181, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 9, delete "and".

Page 2, line 10, delete "with the school in which the person has" and insert **"of trust in relation to a child who attends the school;**

(C) engaged in the provision of care or supervision to a child who attends the school; and

(D) at least four (4) years older than the child who is the victim of a crime under this chapter."

Page 2, delete lines 11 through 12.

Page 2, between lines 15 and 16, begin a new paragraph and insert:

"(f) As used in this section, "military recruiter" means a member of the armed forces of the United States (as defined in IC 20-33-10-2) or the Indiana National Guard whose primary job function, classification, or specialty is recruiting individuals to enlist with the armed forces of the United States or the Indiana National Guard."

Page 2, line 16, delete "(f)" and insert **"(g)"**.

Page 2, line 18, delete "(g)" and insert **"(h)"**.

Page 2, line 20, delete "(h)" and insert **"(i)"**.

Page 2, line 23, delete "(i)" and insert **"(j)"**.

Page 2, line 23, after "who" insert ":".

Page 2, line 23, strike "is:".

Page 2, line 24, after "(1)" insert **"is"**.

Page 2, line 25, after "(2)" insert **"is:**

(A)".

Page 2, line 26, beginning with "(A)" begin a new line triple block indented.

Page 2, line 26, strike "(A)" and insert **"(i)"**.

Page 2, line 28, beginning with "(B)" begin a new line triple block indented.

Page 2, line 28, strike "(B)" and insert **"(ii)"**.

C
o
p
y



Page 2, line 28, after "for;" insert "**or**

(B) a military recruiter who is attempting to enlist;".

and when so amended that said bill do pass.

(Reference is to SB 181 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

**C
o
p
y**

